

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**IRA J. FORSYTH,**

**Plaintiff**

**V.**

**COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION,**

**Defendant**

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**No. 5:06CV202**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections to the Report and Recommendation were filed. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

**ORDERED** that Defendant's Unopposed Motion to Reverse With Remand and Enter Judgment (Dkt. No. 10) is hereby **GRANTED**. It is further

**ORDERED** that Plaintiff's above-entitled and numbered civil action is **REVERSED and REMANDED** under the fourth sentence of the Social Security Act, 42 U.S.C. § 405(g), to the Commissioner of the Social Security Administration for further administrative proceedings before an Administrative Law Judge ("ALJ"). It is further

**ORDERED** that on remand an ALJ shall compare Plaintiff's residual functional capacity and

the physical and mental demands of his past relevant work in accordance with the applicable regulations and Social Security Rulings at step four in the sequential evaluation process. The ALJ will further investigate the functional demands of Plaintiff's past work both as Plaintiff described it and as generally performed in the national economy to determine if Plaintiff is able to perform his past relevant work or whether the issue of disability should proceed to step five in the sequential evaluation process. It is further

**ORDERED** that all motions not previously ruled on are **DENIED**, and the referral order is **VACATED**.

**SIGNED this 31st day of July, 2007.**

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE